

Guide for Review of Lead-Based Paint Compliance in Properties Receiving an Average of More Than \$25,000 Per Unit in Federal Rehabilitation Assistance			
Name of Program Participant:			
Staff Consulted:			
Name of Grant Program Reviewed:			
Project File Name/Location:		Date Funds Awarded:	
Name(s) of Reviewer(s):		Date:	

NOTE: All questions that address requirements contain the citation for the source of the requirement (statute, regulation, NOFA, or grant agreement). If the requirement is not met, HUD must make a finding of noncompliance. All other questions (questions that do not contain the citation for the requirement) do not address requirements, but are included to assist the reviewer in understanding the participant's program more fully and/or to identify issues that, if not properly addressed, could result in deficient performance. Negative conclusions to these questions may result in a "concern" being raised, but not a "**finding**."

Instructions: This Exhibit is designed to monitor programs involving rehabilitation in non-insular areas for units where the level of rehabilitation assistance is more than \$25,000 per unit. The definition of the "rehabilitation level of assistance" can be found at 24 CFR 35.915. The definition of the level of rehabilitation assistance pertaining to the threshold established in this Exhibit can be found at 24 CFR 35.915(b). This definition is clarified in the June 21, 2004, technical amendment to the Lead Safe Housing Rule. This Exhibit is divided into two sections. Section A pertains to examination of individual files to assess project compliance. Complete a separate Section A for each file reviewed. Section B contains questions evaluating overall program compliance for a single program only – the one under which the Section A file reviews are conducted. Section B questions are to be answered based on the individual file reviews in Section A and in conjunction with program participant staff interviews. Information on LBP sampling guidance and developing corrective actions is given in Chapter 24, Section 24-6.

Questions:

A. INDIVIDUAL FILE REVIEW

1.

Was this project evaluated for applicability of the Lead Safe Housing Rule? (If the response is “yes” AND the project meets the regulatory exemption standards, skip to Section B. If “yes” and the project is <u>not</u> exempt, continue with the remaining questions in Section A.) [24 CFR 35.115]	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Describe Basis for Conclusion:		

2.

Was the level of rehabilitation assistance (or total amount of Federal housing assistance) for this project calculated correctly and documented in the project file? [24 CFR 35.915]	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Describe Basis for Conclusion:		

3.

Does the project file include the following documents (to be kept for three years after assistance ends) necessary to demonstrate compliance with the requirements of the Lead Safe Housing Rule and, when the program participant is the seller or lessor, the Lead Disclosure Rule:		
a. Documentation of receipt by homeowner or occupant of the Lead Hazard Information Pamphlet? [24 CFR 35.910(b)]	<input type="checkbox"/> Yes	<input type="checkbox"/> No
b. Notice to Residents: Notice of Lead Hazard Evaluation (if a risk assessment was performed) or a Notice of Presumption (if no risk assessment was performed) and Notice of Lead Hazard Reduction (if lead hazard control was performed)? [24 CFR 35.910(a)]	<input type="checkbox"/> Yes	<input type="checkbox"/> No
c. If the program participant was a seller or lessor: the lead warning statement, disclosure of known information about lead-based paint, and acknowledgement of receipt of this information by the buyer or lessor? [24 CFR 35.88]	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	<input type="checkbox"/> N/A	

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d. A risk assessment report by a qualified risk assessor (unless lead-based paint hazards are presumed)? [24 CFR 35.930(d)(2)]	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Yes No N/A
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e. Notice of Lead Hazard Reduction (if lead-based paint is known or presumed to be in the unit)? [24 CFR 35.910(a)]	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Yes No N/A
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f. A clearance report showing the unit passed clearance (if lead-based paint is known or presumed to be in the unit or the amount of material to be disturbed is above the <i>de minimis</i> threshold)? [24 CFR 35.1340(c)]	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Yes No N/A
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g. A document demonstrating that the clearance examiner was independent from the entity performing the lead hazard control work? [24 CFR 35.1340(f)]	<input type="checkbox"/> <input type="checkbox"/> Yes No
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Describe Basis for Conclusion: 	
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4.

Based on your review, were occupants and their belongings protected during work (e.g., documentation of relocation, language in rehabilitation contract, homeowners' agreement, or other appropriate document)? [24 CFR 35.1345]	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Yes No N/A
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Describe Basis for Conclusion: 	
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5.

<p>If the unit receives an average of more than \$25,000 of rehabilitation assistance per unit, abatement of identified lead hazards are generally required, except that interim controls are acceptable on exterior surfaces that are not disturbed by the rehabilitation and on paint-lead hazards that have an area smaller than the de minimis limits of Sec. 35.1350(d). If abatement of a paint-lead hazard is required, it is necessary to abate only the surface area with hazardous conditions. If lead abatement was performed, does your review show that the abatement firm, and its workers and supervisors were certified?</p> <p>[24 CFR 35.1325]</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
<p>Describe Basis for Conclusion:</p> <div style="height: 150px; border: 1px solid black;"></div>	

B. PROGRAM REVIEW

6.

<p>Does the program consistently assess projects for possible exemption from the applicability of the requirements of the Lead Safe Housing Rule?</p> <p>[24 CFR 35.115]</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>Describe Basis for Conclusion:</p> <div style="height: 150px; border: 1px solid black;"></div>	

7.

<p>Does the program participant have staff who are knowledgeable about HUD's lead-based paint regulations?</p> <p>[24 CFR 35.170]</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>Describe Basis for Conclusion:</p> <div style="height: 150px; border: 1px solid black;"></div>	

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8.

Does the program ensure that abatement workers are certified? [24 CFR 35.1325]	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Describe Basis for Conclusion:		

9.

Does the program ensure that the Lead Safe Housing Rule's requirements regarding abatement are shared with the entities and individuals who perform abatement of lead hazards, such as contractors and subrecipients (e.g., subgrantees, non-profits, Community Housing Development Organizations, Community Development Corporations and volunteer groups? [24 CFR 35.930(d)(3)]	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
Describe Basis for Conclusion:			

10.

If the project assistance involves occupant relocation, does the program ensure that occupants are relocated to units free of lead hazards and their belongings are protected? [24 CFR 35.1345(a)(2)]	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
Describe Basis for Conclusion:			

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11.

<p>If the program performs rehabilitation on historic properties, does the program staff work with State Historic Preservation Officers (SHPOs) and use interim controls and ongoing lead-based paint maintenance, instead of abatement for historic properties if the SHPO requests it? (See Section 24-9.A. and Attachment 2 of this Chapter.) [24 CFR 35.115(a)(13)]</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
<p>Describe Basis for Conclusion:</p> <div style="height: 100px; border: 1px solid black;"></div>	

12.

<p>Does the program ensure that applicants are not being denied rehabilitation services based on familial status or disability and that pre-1978 homes of families with children less than age six are being tested and treated for lead hazards when triggered by the regulation? NOTE: The Fair Housing Act prohibits denial of services, including Federally funded housing rehabilitation, based on familial status (presence of children under age 18) or disability. [24 CFR 100.50(b)(2); 24 CFR 35.115(a)(3)]</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>Describe Basis for Conclusion:</p> <div style="height: 150px; border: 1px solid black;"></div>	

<p>During its monitoring for compliance with housing quality standards during the period of affordability, does the program participant review HOME rental project owners' records to ensure that ongoing maintenance is being performed in accordance with 24 CFR 35.1355?</p> <p>[24 CFR 35.930(d)(3); 24 CFR 35.1325; 24 CFR 92.504(d)]</p>	<div> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> </div> <div> Yes No N/A </div>
<p>Describe Basis for Conclusion:</p>	